

COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
May 27, 2003

Mayor Griffith called the meeting to order at 6:30 p.m.

Council Present: Mayor Griffith; Councilors Dirksen, Moore, Sherwood, and Wilson

- STUDY SESSION

- UPDATE ON THE RANDALL GRANT PROGRAM

Assistant to the City Manager Newton presented the staff report. The City entered into a contract with Randall Funding and Development on June 12, 2001 for grant writing services. A funding strategy report was developed that emphasized pursuing grants for the new library, transportation, police, the downtown, parks and wetlands, and youth programs. After the incidents of September 11, 2001, the focus of disbursement of federal grant funds shifted to Homeland Security, primarily for fire departments and first responders. No grants were submitted for various reasons. Randall agreed to provide services for the current fiscal year at no charge.

In the current fiscal year, Randall secured a grant of \$10,668 for bullet proof vests. Randall just submitted a grant application for HAZMAT response equipment for the police department in the amount of \$43,244. Another grant application for \$105,698 has been submitted for forensic video assessment equipment and AED's for each police vehicle.

Randall has agreed to provide weekly grant alerts and write up to four grant proposals for the next fiscal year at no charge to the City.

- DISCUSSION OF PARKS FEES AND CHARGES

Park Manager Dan Plaza presented the staff report. It has been ten years since the application fees and rental rates for park reservations (picnic shelters and fields) have been raised.

Mr. Plaza reviewed the rate structure and the goal to recover approximately 70% of the administrative and operational costs of the picnic shelter and fields reservation program while maintaining a 50% reduced hourly rate for resident users.

Council discussed several options on rate structure. The general consensus was that the administrative fees were high. It was suggested that administrative fees should be reduced and that hourly fees should be reviewed for a 50-70% cost recovery. The Council members supported non-residents paying a higher fee than residents.

Staff will return with a new proposal for fee rates on June 17, 2003, which is a Council workshop meeting.

➤ Administrative Items

- School Groundbreaking Invitations
  - Metzger School, June 2, 1 p.m.
  - C.F. Tigard School, June 4, 10:35 a.m.Formal invitations are expected this week.
- “Cops and Brats” – Haggens Grocery Store is focusing on community involvement in Tigard. On May 30, 31, June 13, 14, 27, 28, and July 18 and 19, Haggens will sell a bratwurst and soft drink for \$2. A donation of \$1.25 for each purchase will be made to police department youth programs.
- School District Ballot Issue – A meeting is scheduled the morning of May 28 to discuss a possible school district ballot measure that would be submitted to the voters on the September 2003 ballot to support pools and School Resource Officers. Council will receive an update in the May 30 Council newsletter.
- June 15 dedication of the Nicoli Brothers Ball Fields was postponed indefinitely. Dave Nicoli will select a new date.
- Council received information on legislative issues that City staff is tracking as well as information on the referendum process in their May 23 mail packet.
- A letter from Robert A. Pierce & Associates and an e-mail communication from Jim Thielke regarding the street maintenance fee were distributed to the Council.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7:12 p.m. to discuss labor negotiations under ORS 192.660 (1d).

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council & Local Contract Review Board meeting to order at 7:33 p.m.
- 1.2 Roll Call: Mayor Griffith, Councilors Dirksen, Moore, Sherwood and Wilson
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

## 2. VISITOR'S AGENDA

Two people, Cleon Cox III and Paul E. Owen, signed in to speak during the Visitor's Agenda about the street maintenance fee. Upon advice of Legal Counsel Ramis, Mayor advised that no additional comments from the public could be heard by Council since the public hearing was conducted and closed on April 22, 2003. The purpose of the agenda item before the Council at this meeting is for the Council to discuss this issue.

## 3. CONSENT AGENDA: Motion by Councilor Moore, seconded by Councilor Sherwood, to approve the Consent Agenda as follows:

3.1 Approve Council Minutes for April 22, 2003

3.2 Local Contract Review Board

- a. Award the contract for the construction of Street and Storm Drainage Improvements on Walnut Terrace to D&D Concrete and Utilities

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

## 4. DISCUSSION WITH STATE SENATOR GINNY BURDICK AND STATE REPRESENTATIVE MAX WILLIAMS

State Representative Williams visited with Council about the status of activities at the legislature. An additional \$60 million shortfall is projected for this biennium budget period; however, state revenue sharing will not be lost to local governments this session. Legislators are grappling with short-term budget balances along with long-term stability and structure of the tax system.

Mayor Griffith reiterated Tigard's concern about state preemption on local government's abilities to set fees. Representative Williams said that by-in-large, he did not support preemption proposals.

There was discussion on school-related funding to raise taxes outside the \$5 cap on schools. The legislature may need to act to give schools the ability to ask voters to approve activities (not strictly related to education) such as swim center operations and recreation programs.

In response to a question from Councilor Sherwood, Representative Williams said he hopes that the Housing Trust Fund will not be "raided."

In response to a question from Councilor Wilson, Representative Williams said SAIF is doing a good job in keeping worker's compensation premiums in check. There are differing opinions on whether SAIF should continue as a quasi-public corporation. An initiative will be before voters on whether this insurance should be provided by the private sector.

Representative Williams responded to the concerns noted by Mayor Griffith on SB 444, 445 and 446. These bills are now in the House Rules Committee and "do not appear to be moving fast." Because of the technical nature of these bills, Representative Williams said he thought legislators were waiting to educate themselves on the effects of these legislative proposals until it became more likely these bills would make it out of committee. Representative Williams said he realized that management is opposed to the bills, while the unions are supportive.

Representative Williams said that the effort to preempt additional hotel/motel taxes locally was still in the Revenue Committee; talks have stalled.

Senator Burdick arrived later in the meeting. She also spoke about the budget issues and the difficulty of determining what to fund and how to pay for important programs.

She stated she is strongly opposed to preempting local government's ability to raise fees or establish new fees for service.

Senator Burdick noted there are discussions being held outside the government about a grass roots effort to revise the tax structure.

## 5. CONTINUE DISCUSSION OF THE STREET MAINTENANCE FEE

City Engineer Duenas reviewed the staff report and the status of this agenda item. On April 22, 2003, a public hearing was held to consider the formation of a street maintenance fee. Council reviewed responses to questions they posed to staff at its May 13, 2003, meeting.

City Engineer Duenas presented five options for Council to consider to provide direction to staff.

Council discussion highlights follow:

- Councilor Moore noted this proposal has been studied for two years. The original recommendation to implement a street maintenance fee was forwarded to Council by a task force comprised of a group of citizens who were asked to study funding options and forward recommendations to the Council. Councilor Moore said he is concerned about the economic climate for business and might consider a compromise option.
- Councilor Wilson said he was concerned about the equity of how the fee is split between residents and businesses. He said he might consider a 50/50 split to cover the cost of street maintenance only, since in the long-run a maintenance program would save money.
- Councilor Sherwood expressed concerns about the economy and said this was bad timing for businesses to have to pay this fee. She said she was in favor of business representatives (from Oregon Grocers, Washington Square, and Tigard Chamber of Commerce) meeting with the task force members to attempt to find a compromise solution.
- Councilor Dirksen said he agreed with Councilor Moore adding that he thought the calculation of the fee was done scientifically. He said he would be willing for the task force and businesses to work toward a compromise on how the fee should be split; however, he would like to have a time limit and suggested 60 days.
- Mayor Griffith said the City would have to provide the funding for street maintenance since it's apparent that financial aid is not available from the state. He agreed that the economic climate for businesses is not good. He also noted that a street maintenance fee may not be the best way to fund sidewalk and right-of-way maintenance.
- Councilor Moore expressed concern about sending this matter back to the task force and he supported making the decision now. He said he would like to have sidewalks included for safety reasons and the right-of-way maintenance is important to help with the appearance. He said the appearance of much of the right-of-way along Durham Road is an embarrassment to the City. Councilor Moore supported the method of fee calculations proposed by the task force since much of the business-related traffic in Tigard is generated by non-residents traveling to destination shopping locations.
- Discussion continued with Council members agreeing with Councilor Moore's remarks, but suggested funding just the street maintenance portion first and then consider funding right-of-way maintenance and sidewalks at a later time.
- After discussion, motion made by Councilor Dirksen, seconded by Councilor Wilson, to support options 2 and 5 as outlined in the staff report as follows: The Transportation Financing Strategies Task Force is to review this matter with representatives of the business community and make a recommendation to the Council within the next 60 days; the scope of the fee will be limited to cover street maintenance and street light and traffic signal maintenance (not sidewalks or right-of-way).

The motion was approved by a majority vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	No
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

- City Attorney advised the Council would need to decide whether to reopen the public hearing.

6. UPDATE ON GREENSPACES PROGRAM BY METRO PRESIDENT DAVID BRAGDON

Metro Council President David Bragdon updated Council on the Greenspace program approved by voters in 1995. Tigard was allocated \$757,000 which has helped fund the purchase of 4.25 acres on Bull Mountain and property for the Fanno Creek Greenway trail. President Bragdon distributed information to the Council on the Fanno Creek Greenway Trail and the August 2001 *Metro GreenScene*, which outlined what has been accomplished with the \$135.6 million package to buy land to protect forest, wetland, river and stream habitats.

7. CONSIDER THE FANNO CREEK PARK MASTER PLAN

Park Manager Dan Plaza presented the staff report. He introduced Jonathan Beaver of Murase and Associates who shared with Council key elements of the Fanno Creek Master Plan. Several public input meetings were held and this input was incorporated into the master plan as to how the site should be developed and landscaped. The cost for the master plan services was \$26,397 funded by Parks Systems Development Charges. The City has applied for a grant to construct the Fanno Creek Trail.

Motion by Councilor Moore, seconded by Councilor Wilson, to approve the Fanno Creek Park Extension Master Plan.

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

8. PUBLIC HEARING (QUASI-JUDICIAL) – SW MAPLELEAF AND SW OAK WAY PUBLIC RIGHT OF WAY VACATION (VAC2002-00002)

The Tigard City Council will consider the proposed vacation involving a 26,258 square foot portion of SW Mapleleaf Street that lies to the south of SW Locust Street between SW Lincoln Street and SW 90<sup>th</sup> Avenue; and a 9,716 square foot portion of right-of-way formerly known as SW Oak Way that lies south of SW Mapleleaf Street between SW Lincoln Street and SW 90<sup>th</sup> Avenue.

The reason for the vacation request is to allow the Tigard-Tualatin School District to replace the existing Metzger Elementary School with a new school at the same location through a Conditional Use approval. There are no existing utilities in or along either right-of-ways to be vacated.

The request was filed with the City on December 31, 2002 and initiated by the City Council at the request of the applicant on April 8, 2003. Any interested person may appear and be heard for or against the proposed vacation of said Mapleleaf Street/Oak Way Public Right-of-Way Street Vacation. Any written objections or remonstrances shall be filed with the City Recorder by 7:30 PM on May 27, 2003.

- a. Mayor Griffith opened the public hearing.
- b. Declarations or Challenges: There were no declarations or challenges.
- c. Staff Report: Assistant Planner Matt Scheidegger presented the staff report.
- d. Public Testimony
  - Proponents

Mindy Shelton, 10425 SW 90<sup>th</sup> Avenue, Tigard, OR, testified in favor of the street vacation proposal, advising that the Oak Way portion of the vacation abuts her property.

Ed Murphy, 9875 SW Murdock Street, testified as a representative of the Tigard-Tualatin School District (applicant) in support of the vacation. Mr. Murphy distributed drawings illustrating the site layout for the proposed new Metzger Elementary School.

- e. Staff recommended approval of the vacation and that the Council adopt the proposed ordinance.
- f. Mayor Griffith closed the public hearing
- g. Council Consideration: Motion by Councilor Moore, seconded by Councilor Dirksen to adopt Ordinance No. 03-03.

ORDINANCE NO. 03-03 - AN ORDINANCE CONCERNING THE VACATION OF AN APPROXIMATELY 26,258 SQUARE FOOT

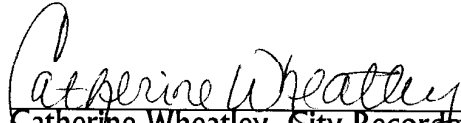
PORTION OF PUBLIC RIGHT-OF-WAY BETTER KNOWN AS SW MAPLELEAF STREET AND AN APPROXIMATE 9,716 SQUARE FOOT STRIP OF RIGHT-OF-WAY FORMERLY KNOWN AS SW OAK WAY, WHICH LIES SOUTH OF SW MAPLELEAF STREET (VAC2002-00002).


The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

- 9. COUNCIL LIAISON REPORTS: None
- 10. NON AGENDA ITEMS: None
- 11. EXECUTIVE SESSION: Not held
- 12. ADJOURNMENT: 9:32 p.m.

Attest:

  
Catherine Wheatley, City Recorder

  
Mayor, City of Tigard

Date: 6/16/03

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